

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**DENNIS MALIPURATHU,** )  
Petitioner, )  
vs. ) **Case No. CIV-12-458-M**  
**MARVIN VAUGHN, et al.,** )  
**Respondents.** )

## **REPORT AND RECOMMENDATION**

Petitioner, a state prisoner appearing *pro se*, has filed this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the undersigned Magistrate Judge for initial proceedings pursuant to § 636(b)(1)(B) and (C). An order for response to the petition has been entered [Doc. No. 9.]

Petitioner has now filed a request for preliminary injunction, asserting that he is being denied access to the library at his prison facility and, consequently, is unable to conduct research necessary to establish his claims [Doc. No. 12]. It is recommended that the request for injunctive relief be denied. Petitioner's remedy regarding his conditions of his confinement is through a 42 U.S.C. § 1983 action rather than a writ of habeas corpus. *See Cohen Ma v. Hunt*, 372 Fed. Appx. 850, 852 (10<sup>th</sup> Cir. 2010).

## **RECOMMENDATION AND NOTICE OF RIGHT TO OBJECT**

It is recommended that Plaintiff's request for injunctive relief [Doc. No. 12] be denied. The parties are advised of their right to object to this Report and Recommendation.

by July 2nd, 2012, in accordance with 28 U.S.C. §636 and Fed. R. Civ. P. 72. The parties are further advised that failure to make timely objection to this Report and Recommendation waives their right to appellate review of both factual and legal issues contained herein.

*Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

ENTERED this 12<sup>th</sup> day of June, 2012.



---

BANA ROBERTS  
UNITED STATES MAGISTRATE JUDGE